

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

RECEIVED

George D. McCarley
Plaintiff
v.

2001 NOV 14 A Civil Action No. 3:06-CV-0091-MEF
Lead Case¹

ESBRA P. HACKETT, CLERK
Household Finance Corporation DISTRICT COURT
Defendant MIDDLE DISTRICT ALA

MOTION TO COMPEL CREDITOR IDENTIFICATION

Plaintiff respectfully requests the court to grant this MOTION TO COMPEL so that defendant will be ordered to divulge creditor identification. Plaintiff, by means of discovery, attempted to learn identity of the creditor of record in the mortgage transaction that brings this case. Defendant has steadfastly refused to *disclose* any identity beyond that of the five (5) servicer entities charged in this case.

The Court and this Plaintiff are now presented with a problem. RESPA and TILA absolutely demand that identity of creditor be fully *disclosed* to debtors. Plaintiff has documented for the court, the fact that the mortgage originator dropped out of sight shortly after initiating the mortgage. Further, no actual creditor was ever *disclosed* as required by statute, nor was any other creditor ever recorded officially in the Probate Court of Randolph County.

Clearly, according to the most basic *natural law*, a servicer cannot exist (legally) in the absence of a creditor². It then follows that this defendant must prove the existence of an official creditor or else this defendant is in violation of many criminal laws.

Plaintiff identified the possible identity of five (5) entities that may well be the official creditor as a result of review of documents surrendered on discovery by defense. The court will find

¹ 3:06 cv 00091 (lead case) includes Household Finance Corporation, III (00093), HSBC-Gr. Corp. (00102), HSBC Mortgage Services, Inc. (00104), HSBC Finance Corporation (00101), and, Household International, Inc. (00103).

² Just as surely as natural law infers that one plus one equal two.

that discussion on PLAINTIFF REBUTTAL IN OPPOSSESSION TO SUMMARY JUDGMENT MOTION, subparagraph (j) page 8, filed with the court on October 11, 2007. Most specifically, it would appear that Exhibit 1 to that document contains the most likely entity to be named "creditor". PRIVATE INVESTOR LOAN #14.

Lastly, this defendant should WISH to make this identification. Both creditor and servicer share the many violations of law leading to guilt in the present case. Plaintiff respectfully requests the court to either COMPEL or SUBPOENA this information so Plaintiff may properly consider the necessity of adding parties defendant and that the path to jury trial may move forward as expeditiously as possible.

This is one of several motions necessitated by: (i) Defense failure to provide key information demanded on Discovery, or, (ii) follow-up information due to new questions raised by discovery provided, or, (iii) critical information required to properly define information or terms used on official defendant forms, and thus required to facilitate a smooth trial process.

Respectfully submitted

G. McCarley
George D. McCarley, Pro Se
216B Chestnut Street
Roanoke, Al 36274
334-863-6489

PROOF OF SERVICE

I, George D. McCarley, do swear or affirm that on November 12, 2007, I have served the enclosed ACTION on each party to the above or that party's counsel, and on every other person required to be served, by depositing envelope containing the above documents in the United States Mail properly addressed, and with first class postage prepaid, for delivery within 3 calendar days.

The Clerk
Middle District of Alabama, Eastern Division
One Church Street, PO Box 711
Montgomery, Al 36101-0711
334-954-3600

Defendant Attorney
Mr. George Parker
Bradley Arant Rose and White
Alabama Center for Commerce
401 Adams Avenue, Suite 780
Montgomery, Al 36104
334-956-7671, 956-7700

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 12, 2007

G. McCarley
George D. McCarley